

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

20 MAY -8 PM 2: 50

CLERK J. Hodge
SO. DIST. OF GA.

JERMARAE HERBERT,

Plaintiff,

v.

WARDEN JAMES DEAL, et al.,

Defendants.

CIVIL ACTION NO.: 6:19-cv-52

ORDER

The Court has conducted an independent and de novo review of the entire record and concurs with the Magistrate Judge's Report and Recommendation, doc. 7. Plaintiff filed Objections to the Report and Recommendation. Doc. 10.

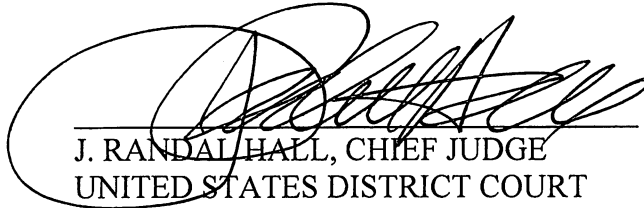
The bulk of Plaintiff's Complaint relates to an alleged excessive force incident committed by Defendant Deshaun Miller. Doc. 1 at 5. However, Plaintiff also included an allegation that Defendant Sharpe denied him medication. Id. The Magistrate Judge recommended these claims be dismissed as unrelated. Doc. 7 at 5 (citing Fed. R. Civ. P. 20(a)). Although Plaintiff's Objections are responsive to the Magistrate Judge's Report, at no point does Plaintiff discuss or cure the unrelatedness of his claims against Defendant Sharpe. See Smith v. Owens, 625 F. App'x 924, 928 (11th Cir. 2015) (affirming dismissal under Rule 20(a) of plaintiff's unrelated claims against ten corrections officer defendants).

The Magistrate Judge recommended Plaintiff's claims for retaliation against Defendant Adams be dismissed because they were conclusory and the claims against Defendants Deal and Dozier be dismissed because Plaintiff failed to allege enough facts related to these two Defendants

to state a claim. Doc. 7 at 6–7. Plaintiff addresses these claims in his Objections but merely restates the same threadbare allegations in his Complaint and fails to cure the defects the Magistrate Judge recognized as warranting dismissal. Doc. 10 at 3–6.

For the reasons set forth above, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES** Plaintiff's claims for monetary damages against Defendants in their official capacities, claims for deliberate indifference to serious medical needs against Defendant Sharpe and other unrelated claims, claims of retaliation against Defendant Adams, and claims against Defendants Deal and Dozier. Plaintiff's claims for excessive force against Defendant Miller remain pending.

SO ORDERED, this 8th day of May, 2020.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA